

# CITY COUNCIL PROCEEDINGS

January 11, 2005

## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, January 11, 2005  
Tuesday, 9:17 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Rosella Taylor of the Baha i faith, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the January 4, 2005 meeting were approved 7 to 0.

### AWARDS AND PROCLAMATIONS:

There were no proclamations or awards presented.

### CONSENT AGENDA

Motion--carried

Mayans moved that the Consent Agenda be approved as consensus Items. Motion carried 7 to 0.

### **BOARD OF BIDS**

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JANUARY 10, 2005.

Bids were opened January 7, 2005, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Sidewalk along the west side of Reserve A to serve Reed's Cove Addition & Reed's Cove Second Addition - south of 21st Street North, east of 127th Street East. (472-84110 /765909/490022) Does not affect existing traffic. (District II)

PP&J - \$53,135.00

Murdock Bridge Emergency Waterline Replacement - Murdock, west of Waco. (448-89900 /188425/636126/) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Wildcat Construction - \$425,000.00 (Negotiated to engineer's estimate)

Lateral 18, Main 19 Southwest Interceptor Sewer to serve Ridge Port 4th & 5th Additions - north of 29th Street North, east of Ridge. (468-83922/744097/480785) Does not affect existing traffic. (District V)

WB Carter Construction - \$5,700.00

Lateral 5, Main 14 Four Mile Creek Sewer to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (468-83896/744098/480786) Does not affect existing traffic. (District II)

Mies Construction - \$25,036.00

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Water Distribution System to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (448-89852/735230/470901) Does not affect existing traffic. (District II)

Mies Construction - \$12,736.00

Lateral 35, Main 17 War Industries Sewer to serve The Plaza at Cherry Creek Hills Addition - north of Oak Knoll, east of Rock. (468-83898/744091/480779) Does not affect existing traffic. (District II)

Mies Construction - \$11,365.00

Storm Water Drain #240 to serve The Plaza at Cherry Creek Hills Addition - north of Oak Knoll, east of Rock. (468-83899/751383/485274) Does not affect existing traffic. (District II)

Mies Construction - \$31,340.00

Water Distribution System to serve Fox Ridge Addition - north of 29th Street North, east of Maize. (448-89838/735226/470896) Does not affect existing traffic. (District V)

WBW Contractors - \$32,757.00 (Corrected)

Lateral 8, Northwest Interceptor Sewer to serve Fox Ridge Addition - north of 29th Street North, east of Maize. (468-83646/744095/480783) Does not affect existing traffic. (District V)

McCullough Excavation - \$42,300.00

Camden Chase from the east line of Loch Lomond to the east line of Lot 14, Block 5; Rosemont Court serving Lots 7 through 17, Block 4 from the east line of Rosemont to and including the cul-de-sac; Loch Lomond Court serving Lots 30 through 42, Block 4, from the west line of Loch Lomond to and including the cul-de-sac; Camden Chase/Loch Lomond from the east line of Williamsgate to the north line of Lot 42, Block 4 to serve Hawthorne 3rd & 4th Additions - north of 21st Street North, east of 127th Street East. (472-84081/765913/490026) Does not affect existing traffic. (District II)

Ritchie Paving - \$297,364.20

2005 Sanitary Sewer Reconstruction, Phase 1 - various locations between 31st Street South and 21st Street North, & between Tyler and Oliver. (468-83944/ 620424 /665544) Traffic to be maintained during construction using flagpersons and barricades. (District ALL)

WB Carter Construction - \$159,195.00

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be best authorized. Motion carried 7 to 0.

--carried

POLICE TRAINING & AIRPORT DIVISION: Police & Airport Officer Uniforms.

Baysinger Police Supply - \$207,660.55\* (Group 1 base bid)

\*Estimate – Contract approved on unit cost basis.

Motion--

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and bid, and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

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## CMBS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
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Cheryl L. Gehlen	Annex Lounge	6305 East Harry
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<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
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Mike Hoffmann	Kwik Shop 749	2142 North Webb Road
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Motion--  
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

## AVALON PARK

### PETITION TO CONSTRUCT A STORM WATER DRAIN IN AVALON PARK SECOND ADDITION - NORTH OF 37TH STREET NORTH, EAST OF TYLER. (DISTRICT V)

Agenda Report No. 05-0050

On July 13, 2004, the City Council approved a Petition to construct a Storm Water Drain in Avalon Park 2nd Addition. Based on recent bid prices, it is doubtful that a construction contract can be awarded with the budget set by the Petition. The developer has submitted a new Petition with an increased budget. The signatures on the new Petition represent 100% of the improvement district.

The project will serve a new residential development located north of 37th St. North, east of Tyler.

The existing Petition totals \$94,000. The new Petition totals \$245,000. The funding source is special assessments.

State Statutes provide that a petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

### RESOLUTION NO. 05-042

A Resolution amending Resolution No. 04-349 pertaining to constructing Storm Water Drain No. 224 (north of 37<sup>th</sup> Street North, east of Tyler) 468-83750, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

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## BOARDS MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Deferred Compensation Board of Trustees quarterly meeting, June 24, 2004  
District VI Advisory Board minutes, July 12, 2004  
Housing Advisory Board meeting, July 20, 2004  
District VI Advisory Board minutes, August 2, 2004  
Wichita Employees Retirement Board/Police & Fire Retirement Board, Joint Investment Committee minutes, August 5, 2004  
Board of Park Commissioners regular meeting, August 16, 2004  
Wichita Employees Retirement System regular board meeting minutes, August 25, 2004  
Police & Fire Retirement System regular board meeting minutes, August 25, 2004  
Wichita Employees Retirement Board, Police & Fire Retirement Board, Joint Investment Committee minutes, September 2, 2004  
Minutes of the City of Wichita, Wichita Airport Advisory Board, September 7, 2004  
Board of Park Commissioners regular meeting, Park & Recreation, September 13, 2004  
Board of Code Standards and Appeals, minutes, September 13, 2004  
Wichita Employees Retirement System annual board meeting minutes, September 15, 2005  
Housing Advisory Board meeting, September 21, 2004  
Wichita Public Library board meeting regular minutes, September 21, 2004  
Wichita Public Library monthly report, September 2004  
Police & fire Retirement System, regular board meeting minutes, September 22, 2004  
Minutes of the City of Wichita, Wichita Airport Advisory Board, October 4 2004  
Wichita Employees Retirement Board/Police & Fire Retirement Board, annual joint investment committee meeting minutes, October 7, 2004  
Wichita Public Library, board meeting regular minutes, October 19, 2004

Motion--carried

Mayans moved that the minutes be received. Motion carried 7 to 0.

## STREET CLOSURES

### STREET CLOSURES: REMOVAL OF RAILROAD CROSSING. (DISTRICTS I, II AND VI)

Agenda Report No. 05-0051

Late last year the Burlington Northern and Santa Fe Railway accepted the bid of Hall Industrial Services to remove the abandoned Burlington Northern trackage in northeast Wichita. Hall Industrial Services has further contracted with Cornejo & Sons to accomplish the track removal and street patching at the numerous street crossings. After much discussion with the Railroad, and now with representatives from Hall Industrial Services and Cornejo, a patching schedule was developed to minimize the time traffic will be affected, carry traffic past the work areas where it is safe and efficient to do so, and close the streets where existing roadway widths will not allow the work to be done under traffic. All four lane arterial streets will be patched while carrying traffic in one lane each direction. The two lane arterial streets will require 4 to 7 day complete closures.

Cornejo & Sons will be responsible for the placement of required construction signs and barricades and the notification of area businesses and residents. The arterial street complete closures will require a signed detour and will use message boards to help make the general public aware of the upcoming closure dates. The contractor has agreed to maintain existing traffic on its normal side of the street as much as possible for the arterial street partial closures to improve safety during the patching process. No two consecutive arterial streets may be affected at any time. The schedule is weather dependent but will be the order in which the crossings are removed and patched.

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The crossings will be removed at no cost to the City of Wichita.

159th St.*	Temporary Closure	Jan. 10	(* Township Road)
143rd St.**	Complete Closure	Jan. 11-14	(** County Road)
127th St.**	Complete Closure	Jan. 17-21	(** County Road / City Maintenance)
Greenwich Rd.**	Complete Closure	Jan. 11-14	(** County Road / City Maintenance)
Webb Rd.	Partial Closure	Jan. 17-21	City Arterial
Rock Road	Partial Closure	Jan. 24-28	City Arterial
Woodlawn	Partial Closure	Jan. 31-Feb. 4	City Arterial
Oliver	Partial Closure	Jan. 24-28	City Arterial
Shocker	Complete Closure	Jan. 31-Feb. 2	City Residential
13th St.	Partial Closure	Jan. 31-Feb. 4	City Arterial
Holyoke	Complete Closure	Feb. 1-4	City Residential
Hillside	Partial Closure	Feb. 7-11	City Arterial
Green	Complete Closure	Feb. 7-9	City Residential
Grove	Complete Closure	Feb. 9-11	City Residential
Piatt	Complete Closure	Feb. 14-16	City Residential
Bike Path @ Canal	Complete Closure	Feb. 14-16	Bike Path
Hydraulic	Complete Closure	Feb. 17-21	City Residential
Mathewson	Complete Closure	Feb. 14-16	City Residential
Cleveland	Complete Closure	Feb. 17-21	City Collector
Ohio	Complete Closure	Feb. 21-25	City Residential
Wabash	Complete Closure	Feb. 25-28	City Residential
Washington	Partial Closure	Feb. 21-25	City Arterial

Additional track removal and patching will occur in Washington St. From south of 8th St. to the north side of 13th St. and the dates of this work will be submitted in mid February.

Motion--carried Mayans moved that the full and partial street closures be approved. Motion carried 7 to 0.

## **DESIGN SERVICES DESIGN SERVICES AGREEMENT FOR SOUTH ARKANSAS RIVER GREENWAY IMPROVEMENTS.**

Agenda Report No. 05-0052

On September 14, 2004, City Council approved and authorized the initiation of funding to provide design services for the South Arkansas River Greenway in the amount of \$30,000.

The City's Request for Proposal (RFP No. FP 400104) was developed to select a consultant to design an access point to the river for canoeing purposes. The proposed initial improvements include a small parking lot and canoe launching point, trailhead or meeting spot, and access trail.

On November 3, 2004, the City received proposals from four design and engineering consultants. The following companies, which submitted proposals, were Gossen Livingston Associates, Inc., K.E. Miller Engineering P.A. w/Landworks Studio, Wilson Darnell Mann P.A., and Young and Associates, P.A. On December 9, 2004, the Staff Screening and Selection Committee interviewed K.E. Miller Engineering P.A.w/Landworks Studio and Young and Associates, P.A. The firm K.E. Miller Engineering w/Landworks Studio was selected based on understanding of project requirements, staff designations, design fees, and the ability to provide services in a timely manner.

Funding for this project is provided by 2005 Park and Recreation Capital Improvement Funds. The proposed fee for professional services from K.E. Miller Engineering P.A. and Landwork Studio will be \$20,000.

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The Law Department will review and approve the design contract as to form.

Motion--  
--carried

Mayans moved that the recommendation of the Selection Committee for design services for the South Arkansas River Greenway be approved. Motion carried 7 to 0.

## CONTS/AGRMNTS

### **CONTRACTS & AGREEMENTS, BLANKET PURCHASE ORDERS RENEWAL OPTIONS; PROFESSIONAL CONTRACTS UNDER \$25,000 AND ANNUAL MAINTENANCE CONTRACTS OVER \$25,000 FOR DECEMBER 2004.**

Motion--carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

## DELANO PARK AND PARK VILLA

### **IRRIGATION DESIGN AND BUILD SERVICES FOR DELANO PARK AND PARK VILLA. (DISTRICT VI)**

Agenda Report No. 05-0053

In an effort to promote effective water conservation and state of the art irrigation practices, the Public Works Natural Resources Office has allocated funding in keeping with the 1991 City of Wichita adopted water conservation plan objectives. The Park and Recreation Department has identified two sites, which are eligible for improved irrigation maintenance functions and water efficiency. Currently, the Delano Park site and the Park Villa site are highly visible to the public and will require efficient irrigation systems to enhance the recent capital improvements at both sites. At Delano Park, the McLean Fountain was renovated in 2001 and a portion of landscaping and irrigation was established to enhance the renovation. However, a major portion of the site remains unirrigated and remains difficult to maintain a healthy turf appearance at this major gateway to the downtown area adjacent to the Douglas Avenue Bridge. At Park Villa, major renovation efforts were recently completed as part of the Riverside Park renovations. While the new renovations are a welcome addition, the landscape about the renovated building, lily pond, and the new parking area are void of irrigation. With the new irrigation, staff can begin to landscape and enhance this historic and beautiful facility, which has become a more desirable place to host weddings, high school reunions, and similar events.

The City's Request for Proposal (RFP) was developed to select a vendor to design and build new irrigation systems at these sites.

A pre-proposal conference was held on November 15, 2004 to allow all interested companies to ask questions about each site and what would be required in the proposals.

On November 23, 2004, the City received proposals from eight irrigation companies. The companies that submitted proposals were Apex Irrigation, Aquarius Greenbelt, Lawn Sprinkler Services, Rain Link, Inc., Reddi Irrigation, SSI, Tree Top Nursery and Landscaping, Inc., and Utility Contractors Inc./Suburban Landscapes Inc. On December 15, 2004, the Staff Screening and Selection Committee interviewed Lawn Sprinkler Services, Rain Link, Inc., and Tree Top Nursery and Landscaping Inc. The firm Lawn Sprinkler Services was selected, based on previous experience with similar projects, understanding of project requirements, overall cost of the projects, and the ability to execute the projects in a timely manner.

Funding for these projects is provided by the Public Works Natural Resources Office Water Conservation Program in the amount of \$33,325.21.

The Law Department will review and approve the purchase contract as to form.

Motion--  
--carried

Mayans moved that the recommendation of the Selection Committee for construction of new irrigation systems be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ JANUARY 4, 2005)

- a) Nuisance Abatements.

#### ORDINANCE NO. 46-436

1. An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

#### ORDINANCE NO. 46-437

2. An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- b) DR2004-13-Proposed Amendments to the Wichita-Sedgwick County Subdivision Regulations.

#### ORDINANCE NO. 46-440

An Ordinance amending the "Wichita-Sedgwick County Subdivision Regulations, January 28, 1999 edition," as adopted by reference in City of Wichita Code Sec. 28.05.010, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- c) ZON2003-44 - southeast corner of 37th Street North and Tyler Road. (District V)

#### ORDINANCE NO. 46-441

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2003-44)

- d) ZON2003-74 - northeast corner of Kellogg and 143rd Street East. (District II)

#### ORDINANCE NO. 46-442

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2003-74)

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- e) ZON2003-45 - east side of West Street and North of Maple. (District VI)

## ORDINANCE NO. 46-443

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2003-45)

- f) A05-01- generally located southwest of the intersection of K-96 and Ridge Road. (District V)

## ORDINANCE NO. 46-438

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. Martz moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (A-05-01)

- g) A05-02 - generally located northeast of the intersection of Amidon and K-96. (District VI)

## ORDINANCE NO. 46-439

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. Martz moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (A-05-02)

## NEW BUSINESS

### WEAPONS

### WEAPONS DESTRUCTION.

Mayor Mayans requested that this Item be pulled from the agenda and that it be discussed at today's Workshop.

### GANDER MTN

### APPROVAL OF GANDER MOUNTAIN NON-DISTURBANCE AGREEMENT. (DISTRICT I)

Allen Bell

Economic Development Director reviewed the Item.

Agenda Report No. 05-0064

On December 21, 2004, the City Council approved legal documents needed for the development of the Gander Mountain store as part of the Wichita WaterWalk Project. Documents included a ground lease, a declaration of covenants, conditions and restrictions ("CCR"), parking agreements and a use of highway right of way permit. Additional negotiations between WaterWalk LLC and Gander Mountain have taken place. In order to finalize its lease agreement with Gander Mountain and proceed with a construction phase closing, WaterWalk LLC is requesting the City enter into a Non-Disturbance Agreement with Gander Mountain. In addition, certain minor changes have been made to the legal description in the ground lease, the CCR and the highway right of way permit.

The Non-Disturbance Agreement addresses the "what-if" scenarios in which WaterWalk LLC or its successors, assigns or subleases have defaulted on the ground lease with the City and the ground lease has been terminated. Under the terms of the Non-Disturbance Agreement, if Gander Mountain is not in default under its lease with WaterWalk, the City agrees that Gander Mountain may continue to occupy

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its leased premises, even though the ground lease with WaterWalk is no longer in effect.

This agreement is required by Gander Mountain, as well as WaterWalk's lender to provide assurance that the presence of a ground lease does not materially diminish the security of the lease agreement between Gander and WaterWalk. The Non-Disturbance Agreement does not in itself create any financial obligation on the part of the City. Likewise, the Non-Disturbance Agreement does not include an obligation on the part of Gander Mountain to cure any defaults under the ground lease. However, the most critical potential causes of default under the ground lease are also obligations of Gander Mountain under its lease with WaterWalk. These include restrictions on the types of businesses that may be operated on the property and the obligation to pay property taxes.

Final negotiations between Gander Mountain and WaterWalk LLC have also resulted in changes to the legal description of the land to be leased to WaterWalk under the Ground Lease. The area of leased land has increased from approximately 2.6 acres to 2.8 acres. This change was required to accommodate certain design changes to the building floor plan in which all floor space is now contained on one floor.

In addition to the Non-Disturbance Agreement, minor changes have been made to the Declaration of Covenants, Conditions and Restrictions and the Highway Permit for Use of Right of Way. The changes, are intended primarily to clarify existing provisions.

The financial considerations for the City do not change as a result of the Non-Disturbance Agreement or requested changes to other documents.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the Non-Disturbance Agreement with Gander Mountain and amendments to the Legal Description for Ground Lease No. 1, the Declaration of Covenants, Conditions and Restrictions and the Highway Permit for Use of Right of Way be approved and the necessary signatures authorized. Motion carried 6 to 1, (Nay-Lambke).

--carried

*(The following Item was taken up later in the meeting; action is shown in Agenda order.)*

## **GO BOND NOTE SALE GENERAL OBLIGATION BOND AND NOTE SALE.**

Kelly Carpenter

Acting Finance Director reviewed the Item.

Agenda Report No. 05-0056

The City is offering for sale one series of general obligation temporary notes totaling \$57,585,000 (Series 213), two series of general obligation bonds (Series 780 and 780A) totaling \$19,810,000 for the purpose of providing permanent financing for capital improvement projects of the City, and one series of general obligation bonds (Series 958) totaling \$4,140,000 for the purpose of providing permanent financing for Tax Increment Finance (TIF) related projects of the City.

The proceeds from the sale of the Series 213 Temporary Improvement and Renewal Notes will be used to provide interim financing for City-at-large and improvement district projects. The proceeds from the sale of the Series 780 and 780A Bonds will be used to permanently finance neighborhood improvements located in special improvement districts. The proceeds from the sale of the Series 958 Bonds will be used for public improvements located within the Gilbert and Mosley Tax Increment Financing District.

Sealed bids will be accepted via facsimile, walk-in sealed bids or electronically through I-Deal, LLC/PARITY Electronic Bid Submission System until 10:30 a.m. CST in the IT/IS Conference Room, at which time the bids will be publicly opened. No bids will be accepted after the 10:30 a.m. deadline. The bids will be verified, tabulated and presented to the City Council at its earliest convenience following the tabulation of the bids. By law, the City must award the sale of the bonds and notes to the bidder whose proposed interest rates result in the lowest true interest rate.

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The Series 213 Temporary Notes will mature August 4, 2005, and will be retired using cash, the proceeds of both permanent-financing bonds, and renewal notes issued at that time. The Series 780 Bonds will mature serially over fifteen years and will be paid from special assessments that are levied against benefited property. The Series 780A Bonds will mature serially over twenty years and will be paid from special assessments that are levied against benefited property. The Series 958 Bonds will mature serially over 15 years with principal maturities structured to produce payments, which fall within the net tax increment revenue stream. The Series 958 TIF Bonds are payable from the collection of property taxes to the Sedgwick County Treasurer and paid to the City Treasurer. The Series 780 and Series 958 Bonds will be callable in 2012 and the Series 780A Bonds will be callable in 2015 with a 1% call premium, in accordance with the City's debt management policy.

Bond Counsel will review and approve the bids and the Law Department will approve the authorizing Ordinances and Resolutions, which have been prepared by Bond Counsel.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the opening and reading of the bids be directed; the sale of the Bonds and Temporary Notes; be awarded and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the Bond and Note Ordinances on the date of their introduction be found; the Bond and Note Ordinances and Resolutions adopted and the publication thereof authorized.

--carried

Motion carried 7 to 0.

## RESOLUTION NO. 05-039

A Resolution providing for the issuance of General Obligation Bonds, Series 780, of the City of Wichita, Kansas, in the total principal amount of \$19,020,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; prescribing the terms and details of the bonds; and making certain other covenants and agreements with respect to the bonds, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 05-040

A Resolution authorizing and providing for the issuance of General Obligation Bonds, Series 958, of the City of Wichita, Kansas, in the total principal amount of \$4,140,000, for the purpose of providing the necessary funds to pay costs in connection with the constructing of improvements in the Gilbert and Mosley redevelopment district in the City; prescribing the terms and details of the bonds; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 05-041

A Resolution authorizing and providing for the issuance of General Obligation Renewal and Improvement Temporary Notes, Series 213, of the City of Wichita, Kansas, in the total principal amount of \$57,585,000, for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the City, and for the interim financing of costs in connection with newly commenced capital improvements in the City; prescribing the terms and details of the notes; providing for the payment of the principal of and the interest on the notes; and making certain other covenants and agreements with respect thereto, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## ORDINANCE NO. 46-444

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 780, of the City of Wichita, Kansas, in the total principal amount of \$19,020,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds." Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 46-445

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 958, of the City of Wichita, Kansas, in the total principal amount of \$4,140,000, for the purpose of providing the necessary funds to pay costs in connection with the constructing of improvements in the Gilbert and Mosley redevelopment district in the City; prescribing the terms and details of the bonds; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds." Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE NO. 46-446

An ordinance authorizing and providing for the issuance of General Obligation Renewal and Improvement Temporary notes, Series 213, of the City of Wichita, Kansas, in the total principal amount of \$57,585,000 for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the City, and for the interim financing of costs in connection with newly commenced capital improvements in the City; providing for the payment of the principal of and the interest on the notes; and making certain other covenants and agreements with respect thereto." Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## PLANNING AGENDA

Motion--  
--carried

Mayor Mayans moved that Planning Agenda Items, except Items 12 and 13, be approved as presented. Motion carried 7 to 0.

(Agenda Item 12)  
ZON2004-00058

### ZON2004-00058-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO NEIGHBORHOOD OFFICE. GENERALLY LOCATED AT THE NORTHWEST CORNER OF DOUGLAS AND TYLER. (DISTRICT V)

John Schlegel

Director of Planning reviewed the Item.

Agenda Report No. 05-0057

MAPC Recommendations: Approve, subject to the provisions of amended Protective Overlay #149. (Vote 9-3)

MAPD Staff Recommendations: Deny.

DAB Recommendations: Approve, subject to provisions of staff recommended Protective Overlay #149, plus: the elimination of a wireless communication facility as a permitted use; an updated drainage plan is to be submitted prior to construction; all access to the site is to be via Douglas Avenue, cross lot access and building heights are limited to a maximum of 35 feet. (Vote 3-2)

The application area is 1.04 acres located at the northwest corner of Douglas and Tyler, and is zoned SF-5, Single-family Residential. The applicants are seeking NO, Neighborhood Office zoning to allow the site to be developed for office uses. The acreage is platted as the R. Beard Addition and involves four lots that remain undeveloped today. The ownership of the application area is divided between the two applicants. One co-applicant owns the northern two lots while the other co-applicant owns the southern two lots. The northern most two lots are oriented east-west towards Tyler. The southern most lots are oriented north-south towards Douglas.

There is platted access control along Tyler that permits one 30-foot wide break in access control that is located 192 feet north of the Tyler and Douglas intersection. There are not any platted access controls located along Douglas. Douglas, at this location, is a two-lane residential street. Tyler is a four-lane arterial.

The plat also contains platted setbacks. Twenty-five foot setbacks have been established along the Tyler and Douglas frontages. A 15-foot utility easement is also located along the west property line.

No site or development plan has been submitted (and is not required) that would indicate the development scheme.

All surrounding property is zoned SF-5, Single-family Residential and developed with single-family homes. The nearest non-residential zoning relative to the application area is located over 600 feet to the south.

The SF-5 district has the following setback requirements: front-25 feet, rear-20 feet and interior side-six feet. Maximum building height is 35 feet. The NO district has the following setback requirements: front-20 feet, rear-10 feet and interior side-zero or five feet. Maximum building height is 35 feet. The NO district permits four commercial "by-right" uses: automated teller machine, medical service, general office and wireless communication facility. These four use types are individually restricted by code to a maximum gross floor area of 8,000 square feet.

Compatibility side and rear building setbacks will be required. Compatibility height standards restrict building heights located within 50 feet of lot lines to 35 feet or less. For each three feet of setback beyond 50 from the lot line, the building height can be increased one foot in height. Dumpsters and refuse containers must be located 20 feet from any property zoned TF-3 or more restrictive.

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District Advisory Board V (DAB) heard this request on December 6, 2004. Their recommendation was to approve (3-2) the request, subject to the conditions contained in the staff report: buildings should be residential in character, share exterior building materials and colors, muted exterior colors; signage per the sign code, except all ground signage shall be monument signs, no signage can face south, west or north; parking lot lighting standards are restricted to 14 feet or less in height; access from Douglas is limited to the western one-third of the Douglas Avenue frontage. DAB members added the following conditions of approval: the elimination of a wireless communication facility as a permitted use; an updated drainage plan prior to construction; limit building heights to a maximum of 35 feet; cross lot circulation and access to the site is to be via Douglas only (elimination of the Tyler Road access point allowed by the plat).

On December 9, 2004, the Metropolitan Area Planning Commission reviewed this application, and recommended approval (9-3) subject to the conditions contained in the staff report and some of the DAB recommendations. MAPC modified the DAB recommendations as follows: a requirement to dedicate ten-feet of right of way along Tyler (added); one right-in/right-out opening on Tyler is permitted (no access to Tyler was recommended by the DAB); all other DAB and staff recommendations were retained. The MAPC recommendations for approval includes the following conditions of Protective Overlay Number 149:

1. Any building(s) constructed on the site should be residential in character (e.g. rooflines should be hip or gable roof; exterior facade materials typical of residential construction should be wood, brick or stucco or similar materials). If multiple buildings are constructed on the site, they should share similar exterior materials and colors. Predominate exterior building colors should be muted.
2. Signage shall be per the sign code, except that all ground or pole signs shall be monument type, and no building signs shall face south, west or north.
3. Parking lot lighting standards shall not exceed 14 feet in height.
4. Access from Douglas shall be limited to one driveway located in the western one-third of the Douglas street frontage.
5. One right-in/right out opening on Tyler Road.
6. Dedication of 10-foot right-of-way on Tyler.
7. Elimination of a wireless communication facility as a permitted use.
8. An updated drainage plan is required prior to construction.
9. Building heights are limited to a maximum of 35 feet.
10. Cross-lot circulations is required.

Protestors were present at both the DAB and MAPC meetings. They expressed opposition to the request as it would: introduce nonresidential uses into a totally residential area, loss of value in homes, increased traffic from the project will worsen access to Tyler and Douglas from residents' driveways and lack of sidewalks causes people to walk in Douglas further impacting safety. Nearby property owners have submitted protest petitions exceeding 20 percent of the land area within 200 feet of the perimeter of the property triggering the  $\frac{3}{4}$  majority vote requirement for the City Council to override their protest and approve the request.

Council Member Gray

Council Member Gray inquired what the likelihood would be for someone to go in and build on these lots with them facing Tyler Road, which is a major arterial road.

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- Council Member Martz Council Member Martz stated that there is an individual present today that said that he had made an offer for all of the lots and indicated that there had been a desire from his side to do some building, however there is a difference of opinion on the value of the sale. Stated that he does not recall any attempt to try and build in this area and that the down side is that there are three additional outlets for all of the lots going on to Tyler road.
- Council Member Gray Council Member Gray stated that whenever you consider zoning changes you have to bear in mind whether there is a use for the current zoning and that it is not the Council's place to get into a bargaining system.
- Council Member Martz Council Member Martz stated that in the past 30 years there has been no attempt to build out there as far as single-family and that this is an opportunity to fill in this area.
- Motion-- Martz moved that the Council concur with the findings of the MAPC and approve the zone change to NO Neighborhood Office, subject to the conditions contained in Protective Overlay Number 149; and; place the ordinance on first reading and authorize staff to withhold publication of the ordinance authorizing this zone change until all conditions are met.
- Council Member Fearey Council Member Fearey stated that she agrees with much that has been said but that the current owner of these lots bought that land knowing that it was single-family zoning and that the Council is getting involved in the bargaining process by letting someone hold land like that and then come to the Council and ask to change the zoning on his land so that he can get the price out of it that he wants. Stated that much encroachment of this type of thing into a neighborhood can be devastating because the next thing that happens is that the people on each side get scared and move further out and values go down and rental houses start coming in. Stated that she will be voting against Council Member's motion.
- carried carried 6 to 1, (Nay-Fearey).

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2004-58)

### (Agenda Item 13) CUP2004-00036

**CUP2004-00036-(ASSOCIATED WITH ZON2004-00040), CREATE DP278 NEWMARKET V COMMERCIAL COMMUNITY UNIT PLAN; ZONE CHANGE TO LIMITED COMMERCIAL. GENERALLY LOCATED SOUTH OF 29TH STREET NORTH AND WEST OF MAIZE ROAD. (DISTRICT V) (COUNCIL RETURNED TO MAPC ON NOVEMBER 2, 2004)**

John Schlegel Planning Director reviewed the Item.

Agenda Report No. 05-0058

MAPC Recommendations: Approved subject to platting within two years, and staff recommended conditions, except for removal of a cross-lot circulation requirement. (10-3)  
MAPD Staff Recommendations: Approve subject to platting within two years and conditions.  
DAB Recommendations: Not applicable.

The applicant is requesting to create DP-278 Newmarket V Commercial Community Unit Plan, which would be a 13.3 acre development with three parcels proposed for commercial use. The property is located west of Maize Road and south of 29th Street North. Parcel 1 is 1.35 acres and is located at the Maize/29th Street North intersection. Parcel 2 (10.98 acres) and parcel 3 (.93 acres) front Maize Road; with parcel 2 wrapping around the smaller parcel 3 at the CUP south boundary.

Proposed uses are "LC" Limited Commercial uses, except: group residences, correctional placement residences; vehicle storage yards; vehicle repair, general; outdoor storage; pawn shops; taverns;

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nightclubs; asphalt or concrete plants; sexually oriented business, and adult entertainment as defined by City Code. Likewise, any use requiring a Conditional Use in "LC" shall require a CUP amendment or adjustment, as determined by the planning director.

Maximum building coverage is approximately 20 percent on all parcels. Floor area ratio is also approximately 20 percent for parcels 1 and 3, and 29 percent for parcel 2. Maximum height is 35 feet for parcels 1 and 3, and 40 feet for parcel 2. Setbacks are established at 35 feet along Maize and 29th Street North, no setbacks are given for the west and south boundary lines.

The CUP includes provisions for landscaping per Landscape Ordinance of the City of Wichita, and a pedestrian circulation system within the CUP. The CUP calls for architectural compatibility among the buildings in the CUP. Signage requested is per the standard City of Wichita signage requirements.

North of the CUP, across 29th Street North is SF-20 zoned property developed with suburban residences; this area is proposed for a health club development. Property south of the proposed CUP is the LC zoned Evergreen commercial development, owned by the Target Corporation. East of the application area, across Maize, is a single, large SF-20 zoned single-family suburban residence. West of the development is an LC zoned approved CUP (DP 269 – Spencer's Cove). Also west of the site is SF-5 zoned property under the same ownership as the application area, and designated as a drainage reserve. The US Army Corps of Engineers has notified staff that the application area, as well as surrounding areas, is classified as a jurisdictional wetland, requiring a permit for development.

At the MAPC hearing on September 23, 2004, the applicant spoke in support of all staff recommended conditions, with the exception of cross-lot circulation with the commercial CUP to the west. A representative of the bordering CUP to the west (Spencer's Cove, DP 269) spoke in support of a cross-lot circulation requirement between the two developments, as recommended by staff and the City of Wichita Access Management Policy. The MAPC voted (6-5) to recommend approval of the request subject to staff recommended conditions.

Wichita City Council heard this request on November 2, 2004. The action of the council was to send the request back to MAPC to see if the applicant and the Spencer's Cove CUP representative could work out a cross-lot circulation agreement. The applicant updated their submitted CUP document to reflect staff recommended and MAPC approved conditions, with the exception of the cross-lot circulation requirement.

MAPC heard this request for a second time on December 9th, 2004. The action of the Planning Commission was to approve the request (10-3), as submitted by the applicant, without the cross-lot circulation requirement. This was a change from the previous MAPC approval, which required the cross-lot circulation condition. The applicant successfully argued that the site's configuration, drainage constraints and existing development pattern strongly dictate against cross-lot circulation. The site is a somewhat narrow rectangle whose development is impacted by surface water drainage concerns. The applicant emphasized that drainage can be fully addressed and the proposed construction plan was a natural and logical extension of earlier Newmarket Square construction patterns, a development pattern of a certain quality and style that the adjoining property seeking the cross-lot connection is not required to match. The applicant further emphasized that to require cross-lot circulation would force an artificial connection that would not enhance traffic flow and potentially create safety issues within the development.

Staff received one protest petition on this case from the Spencer's Cove CUP (DP 269), resulting in an 22.02% protest area. This protest, greater than 20%, requires a supermajority (three-fourths) override vote of the governing body to approve the request.

Motion--

Martz moved that the findings of the MAPC be adopted; the zone change and CUP subject to the condition of platting within two years and the recommended conditions without a cross-lot circulation requirement be approved; and the Planning Department be instructed to forward the ordinance for first reading when the plat has been recorded with the Register of Deeds. Motion carried 7 to 0.

--carried

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VAC2004-00051

**VAC2004-00051-REQUEST TO VACATE A PORTION OF A PLATTED UTILITY EASEMENT, GENERALLY LOCATED SOUTHWEST OF THE 119TH STREET WEST AND CENTRAL AVENUE INTERSECTION, MORE SPECIFICALLY LOCATED NORTHWEST OF THE HARDTNER CIRCLE AND JAAX STREET INTERSECTION. (DISTRICT V)**

Agenda Report No. 05-0059

Staff Recommendation: Approve

MAPC Recommendation: Approve (unanimous)

The applicant proposes vacation of the west 55-feet of the platted 20-foot utility easement located along the north property line of Lot 3, Block A, the Bay Country 2nd Addition. The Bay Country 2nd Addition was recorded with the Register of Deeds August 5, 1999.

There is a sewer line and a manhole located in the eastern portion of the platted utility easement. There is Westar equipment located in the platted utility easement. Westar has indicated that the south 12-feet of the west 55-feet of the platted utility easement can be vacated. A water line is located in the right-of-way. There is 20-feet of a 40-foot Philips Pipeline easement (dedicated by separate instrument and shown on the plat) also located in the north side of the lot. The platted utility easement begins where the pipeline easement ends, which puts a total of 40-feet of easement in the applicant's backyard.

The MAPC voted to approve (13-0) the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds

Motion--  
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

VAC2004-00053

**VAC2004-00053-REQUEST TO VACATE A PORTION OF A PLATTED UTILITY EASEMENT, GENERALLY LOCATED ONE-FOURTH MILE EAST OF WEST STREET AND SOUTH OF 21ST STREET NORTH, MORE SPECIFICALLY LOCATED ON THE NORTHEAST CORNER OF WESTRIDGE DRIVE AND WESTRIDGE COURT. (DISTRICT VI)**

Agenda Report No. 05-0060

Staff Recommendation: Approve

MAPC Recommendation: Approve (10-3)

The applicants propose vacation of a portion of the platted 16-foot utility easement located on Lot 8, the Scenic Heights Addition. The Scenic Heights Addition was recorded with the Register of Deeds June 2, 1965.

The platted 16-foot utility easement was originally recorded along the north side of Lot 8 and the south side of Lot 2, the Scenic Heights Addition. The south 35-feet of Lot 2 was subsequently purchased and joined onto the north portion of Lot 8, which gives the site its current configuration. There are no manholes, water or sewer lines in the easement.

The MAPC voted to approve (10-3) the vacation request. Three members of the MAPC voted against the vacation request, in protest to the Public Works' request of dedication of an additional two-feet to another 16-foot easement located on the applicant's property. This 16-foot easement has a sewer line and a manhole located in it. Public Works, per the Subdivision Regulations, has requested dedication of additional easement when an easement, located on a subject property, is not the current 20-foot wide standard. The applicant did not protest the request for the dedication of the additional two-feet of width to the platted 16-foot utility easement. No one spoke in opposition to this request at the MAPC's

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advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order and a dedication by separate instrument of additional width to a public utility easement will be recorded with the Register of Deeds

Motion--  
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

VAC2004-00056

**VAC2004-00056-REQUEST TO VACATE A PORTION OF A DRAINAGE EASEMENT DEDICATED BY SEPARATE INSTRUMENT, GENERALLY LOCATED MIDWAY BETWEEN 29TH STREET NORTH AND 37TH STREET NORTH, WEST OF RIDGE ROAD, MORE SPECIFICALLY LOCATED NORTHEAST OF THE WILD ROSE STREET AND FOREST LAKES STREET INTERSECTION. (DISTRICT V)**

Agenda Report No. 05-0061

Staff Recommendation: Approve  
MAPC Recommendation: Approve (unanimous)

The applicant is requesting consideration for the vacation of a portion of a drainage easement dedicated by separate instrument, (Film 1696, Page 336), located on Lot 87, Block 4, the Forest Lakes Addition. The Forest Lakes Addition was recorded with the Register of Deeds April 21, 1993.

The drainage easement dedicated by separate instrument, generally runs parallel to what was the lot lines of Lots 86 and 87, all in Block 4, the Forest Lakes Addition. It appears that the original configuration of these lots has change due to a boundary shift. A house located on Lot 87 has been built into what can be generally described as a two-foot wide (x) 37-foot long portion of the drainage easement. Storm Water has reviewed and approved the vacation request.

The MAPC voted to approve (13-0) the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

**AIRPORT AGENDA**

Motion--carried

Mayans moved that Airport Consent Items be approved as presented. Motion carried 7 to 0.

PFC AMENDMENT

**PASSENGER FACILITY CHARGE (PFC) AMENDMENT.**

Agenda Report No. 05-0062

The Wichita Airport Authority (WAA) began collecting a \$3.00 PFC charge at Wichita Mid-Continent Airport in 1994. The "Wendell H. Ford Aviation Investment and Reform Act for the 21st Century" (AIR-21) enabled a public agency to apply to the Federal Aviation Administration (FAA) to increase the PFC level that it may charge to \$4 or \$4.50 provided the projects met certain additional criteria.

Staff has prepared an amendment to increase the collection level from \$3.00 to \$4.50 per eligible enplaned passenger to shorten the collection period of the current PFC application in anticipation of a subsequent application. The amendment information is subject to comment by the airlines, and then must be approved by the FAA.

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This amendment does not alter the current application project list or the amount of \$9,329,500, but will allow it to be collected at a faster rate. The new estimated expiration date is June 1, 2007.

Motion--  
--carried

Mayans moved that the PFC amendment be approved and the necessary signatures for submission be authorized. Motion carried 7 to 0.

## **TENANT FACILITY**     **TENANT FACILITY IMPROVEMENTS, WICHITA MID-CONTINENT AIRPORT.**

Agenda Report No. 05-0063

On November 16, 2004 the Wichita Airport Authority approved a project for Tenant Facility Improvements. The project allows for improvements to be made to the FAA parking lots.

Six proposals were received and reviewed by the Staff Screening and Selection Committee. From the six proposals received three firms were interviewed. Certified Engineering Consultants has been selected for engineering services.

The design and bid phases services contract amount is \$50,784 and will be funded with General Obligation Bonds paid with airport revenue, and will be recovered through FAA rental rates. Funds are available in the approved budget.

Motion--  
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

Mayor Mayans

Mayor Mayans stated that the meeting would be recessed until 11:00 a.m. to address Item 11, General Obligation Bond and Note Sale, and that the Council will be in Executive Session from 10:00 a.m. to 10:30 a.m.

## **RECESS**

Motion--

Mayans moved that the City Council recess into Executive Session at 10:00 a.m. to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: Pending litigation; Legal advice and Confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 10:30 a.m. and reconvene in the City Council Chambers of City Hall. Motion carried 7 to 0.

--carried

**RECONVENE**

The Council reconvened in the Council Chambers at 10:30 a.m.

Motion--  
--carried

Mayans moved to extend the Executive Session for an additional 10 minutes and to return in the Council Chambers at 10: 40 a.m. Motion carried 7 to 0.

**RECONVENE**

The Council reconvened in the Council Chambers at 10:45 a.m.

**GO BOND NOTE SALE** **GENERAL OBLIGATION BOND AND NOTE SALE.**  
(Action is shown in Agenda order)

## **RECESS**

Motion--carried

Mayans moved to recess into workshop. Motion carried 7 to 0.

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## RECONVENE

The Council reconvened in the Council Chambers at 1:25 p.m.

Motion--

Mayans moved that the City Council recess into Executive Session at 1:25 p.m. to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation, legal advice and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 1:45 p.m. and reconvene in the City Council Chambers at City Hall. Motion carried 6 to 0, Martz absent.

--carried

## RECONVENE

The Council reconvened in the City Council Chambers at 1:45 p.m. Mayor Mayans announced that no action was taken.

Motion--carried

Mayans moved to adjourn the Executive Session at 1:45 p.m. Motion carried 6 to 0, Martz absent.

Motion--carried

Mayans moved to adjourn the Regular Meeting at 1:46 p.m. Motion carried 6 to 0, Martz absent.

## Adjournment

The City Council adjourned at 1:46 p.m.

Karen Sublett  
City Clerk

\*\*Workshop\*\*